IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 20759 of 2006(U)

PETITIONER:

D.M.KALARANI, HIGHER SECONDARY
SCHOOL TEACHER, M.V.H.S.S. THUNDATHIL,
THIRUVANANTHAPURAM.

BY ADV. SRI.D.SOMASUNDARAM

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION
(T) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDINGS,
SANTI NAGAR, THIRUVANANTHAPURAM.

3. THE MANAGER, MADHAVA VILASOM,
HIGHER SECONDARY SCHOOL, THUNDATHIL P.O.,
THIRUVANANTHAPURAM.

4. S.S.BINEETHA, HIGH SCHOOL ASSISTANT,
MADHAVA VILASOM, HIGHER SECONDARY SCHOOL,
THUNDATHIL P.O., THIRUVANANTHAPURAM.

R1 & R2 BY GOVT. PLEADER SRI. T.T. MUHAMMED.
R4 BY ADV. SRI.M.R.RAJESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/12/2006, ALONG WITH WPC NO. 21856 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 20759/2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE 3RD RESPONDENT DTD. 7.8.2000.

EXT. P2 : TRUE COPY OF THE GOVT. ORDER G./O.(MS) 162/98/G. EDN. DATED 13.5.1998.

EXT. P3 : TRUE COPY OF THE FINAL JUDGMENT OF THE SUPREME COURT.

EXT. P4 : TRUE COPYOF THE ORDER NO. ACD.B5/12282/2003/HSE DATED 26.9.2003 PASSED BY THE 2ND RESPONDENT.

EXT. P5 : TRUE COPY OF THE JUDGMENT IN W.A. NO.2097/2005 DATED 17.2.2006 OF THIS HON'BLE COURT.

EXT. P6 : TRUE COPYOF THE G.O.(RT) NO. 3092/2006./G. EDN. DATED 19.7.2006.

EXT. P7 : TRUE COPY OF THE REVISION PETITION SUBMITTED BEFORE THE 1ST RESPONDENT DATED 15.5.2005.

EXT. P7(a) : TRUE COPY OF THE HEARING NOTE SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED. 11.5.2006.

K.M.JOSEPH, J.

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WP.(C) Nos.20759 & 21856 OF 2006

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Dated this the 18th day of December, 2006

JUDGMENT

Common questions arise in these writ petitions, and they are being disposed of by a common judgment.

2. Petitioner in W.P.(C) 20759 of 2006 is a teacher, while the petitioner in W.P.(C) 21856 of 2006 is the Manager. The order which is challenged in both the writ petitions is one and the same. It is Ext.P6 in W.P.(C) 20759 of 2006. By the same, the revision filed by the teacher, who is hereinafter referred to as Smt.Kalarani, was rejected by the Government. Government further directed that Smt. S.S.Bineetha, who is the fourth respondent in the writ petition filed by Smt. Kalarani be appointed as HSST (Malayalam).

3. Today, when the matter came up, learned counsel appearing on behalf of Smt. Kalarani would submit that she does not press the challenge against Ext.P6. Counsel for the Manager would submit that Smt. Kalarani will be appointed as UPSA in the vacancy arising out of the promotion which will be given to the fourth respondent as HSST in

compliance with Ext.P6. This is recorded. It is further submitted on behalf of the Manager that the Manager proposes to appoint Smt.Kalarani in the next arising vacancy of HSST (Malayalam). This is also recorded. It is submitted on behalf of Smt. Bineetha that she is prepared to forego the salary for the period as she has not worked and she has no objection to the salary being paid to Smt.Kalarani. I think that it is a matter for the Director to consider after hearing the Manager, Smt. Kalarani and Smt. Bineetha.

4. I heard learned Government Pleader also.

The writ petitions are disposed of recording the submissions on behalf of the petitioners in both the cases. As far as the question of salary is concerned, in view of the fact that Smt.Bineetha has not pressed any objection to the payment of salary to Smt.Kalarani, the Director will consider and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this judgment after hearing Smt.Bineetha, the Manager and Smt.Kalarani. Certainly the Director will take note of the fact that

Smt.Bineetha has given up her objection to the payment of salary to Smt.Kalarani.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.